

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking to Examine the
Commission's Future Energy Efficiency Policies,
Administration and Programs.

Rulemaking 01-08-028
(Filed August 23, 2001)

**ADMINISTRATIVE LAW JUDGE'S RULING
AFFIRMING ELECTRONIC RULING ON ENERGY DIVISION
SUBPOENAS AND REQUESTS FOR INFORMATION AND DOCUMENTS**

This ruling directs SESCO, Inc. (SESCO) to provide certain information to the Commission's Energy Division staff, consistent with an electronic ruling sent to SESCO and Energy Division staff on November 18, 2004.

Background. Energy Division issued two subpoenas dated November 1, 2004 seeking information and documents related to energy efficiency programs implemented by SESCO and which are funded in by the public goods charge in Southern California Gas Companies' (SoCalGas) territory. SESCO subsequently tried to file a motion to quash, which was rejected by the Commission's Docket Office because the motion did not identify a docketed proceeding. The motion objects to the requests for documents and information mainly on the basis that the requested information is overbroad and, in some cases, not relevant to SESCO's implementation of energy efficiency programs.

Electronic Ruling. On November 18, 2004, the undersigned Administrative Law Judge (ALJ) conducted a telephonic conference between SESCO, Commission attorneys and Energy Division staff. Parties to the call were Dan Meek and Richard Esteves for SESCO, and Diana Lee, Travis Foss and Ariana Merlino for Commission staff. During the conference call, the parties addressed the Energy Division request. I subsequently sent an electronic message to parties to the telephone call that ruled as follows:

- 1) Energy Division is entitled to any and all information and documents from SESCO that is relevant to California Public Utilities Commission authorized energy efficiency programs.
- 2) No later than November 24, 2004, SESCO will submit to Energy Division and the ALJ a list of specific objections, where relevant, to each item listed in Energy Division's November 4 subpoenas.
- 3) Energy Division agrees to meet and confer with SESCO between November 24 and December 1, 2004 to narrow the list of the information and documents sought in the subpoena. Energy Division is responsible to determine the relevance of requested information and documents. Energy Division agrees to seek only those documents and information required to conduct its review of specified energy efficiency programs.
- 4) No later than December 12, 2004, SESCO will provide to Energy Division all information and documents requested in the subpoenas directly related to the implementation of specified energy efficiency programs.

- 5) No later than January 15, 2005, SESCO will provide to Energy Division all information and documents requested by the subpoenas and not previously presented to Energy Division up to that point. SESCO may seek an extension of time to provide the documents and information if this deadline would create undue hardship.
- 6) SESCO will make good faith efforts to provide Energy Division all requested information and documents as they become available, including documents and information already provided to SoCalGas.

IT IS RULED that:

The electronic ruling addressing Energy Division's subpoena and requests for information and documents sent by the undersigned Administrative Law Judge to SESCO, Inc. and Commission staff, and described herein, is affirmed.

Dated November 30, 2004, at San Francisco, California.

/s/ KIM MALCOLM

Kim Malcolm
Administrative Law Judge

CERTIFICATE OF SERVICE

I certify that I have by mail, and by electronic mail to the parties to which an electronic mail address has been provided, this day served a true copy of the original attached Administrative Law Judge's Ruling Affirming Electronic Ruling on Energy Division Subpoenas and Requests for Information and Documents on all parties of record in this proceeding or their attorneys of record.

Dated November 30, 2004, at San Francisco, California.

/s/ JANET V. ALVIAR

Janet V. Alviar

N O T I C E

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to ensure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.